



CITY OF BRAZIL

Ann Bradshaw, Mayor
Karen McQueen, Clerk-Treasurer

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JUNE 9 2009

A Meeting for the Brazil Common Council was held on June 6, 2009 at 7:00 p.m. in the Council Chambers of the Brazil City Hall. Council at Large member Patricia Heffner called the meeting to order at 7:00 p.m.

Council Members Present: William Lovett, Sam Glover, and Patricia Heffner, Brad Deal, Ann Bradshaw and Steve Lamb were absent. Also Present: City Attorney Robert Pell, and Clerk-Treasurer Karen McQueen.

Minutes of Previous Meeting: Steve Lamb made a motion to approve minutes from May meeting, seconded by William Lovett. Passed 4-0.

Audience Comments: There will be a Neighborhood clean-up in Sam Glover's Ward on Saturday June 20, 2009, Ward 2, trash bags will be donated and the public is welcome to attend and help out in the efforts to clean up.

Mayor's Comments: None

Old Business: None

New Business:

- 1.) Angie with Kenna Consulting was present to announce the awarding of the NSP Grant that the City of Brazil received. Mayor Bradshaw was asked to sign forms concerning grant. Grant discussion was closed.
- 2.) Approval of the Pre Disaster Multi-Hazard Mitigation Plan was discussed by City Attorney Robert Pell. Plan was given to Council by Brian Husband. Council felt that there was not enough explanation concerning Mitigation Plan. Steve Lamb made a motion to table plan until someone could come to public meeting and explain plan better to council, seconded by Patricia Heffner. Passed 4-0.
- 3.) Water Revenue Bond was discussed by Sue Beasley with Bingham Law Office, Ordinance # 3-2009, see Ordinance book. Ordinance is designed to help the City move forward to secure interim financing to get project done with City Water System. Brad Deal made a motion to suspend the rules and pass on the first reading, seconded by William Lovett. Passed 4-0. Brad Deal then made a motion to adopt Ordinance #3-2009, seconded by William Lovett. Passed 4-0.
- 4.) Resolution #2-2009 a Temporary loan from the Waste Water Department to the City of Brazil's General Fund was introduced. Loan would be paid back to the Waste Water Department by December 31, 2009. Steve Lamb made motion to approve loan, seconded by Brad Deal. Passed 4-0.
- 5.) Dan Hedden with Umbaugh and Associates was present to discuss the CCD Fund and the increase of property tax to be used for the purpose of this fund. It was explained that this money can only be used for certain projects and a maximum amount of \$.05 cents is where the tax can be raised to. We are currently at \$.028 cents. It was explained that the rate goes down every few years and council has the option to raise it back to \$.05 cents when this happens, however no more than \$.05 cents. We anticipate that the raise will bring in around \$25,000.00 to the CCD Fund. Deadline to adopt CCD Fund is August 1, 2009.
- 6.) Ordinance #4-2009 was introduced to council. Ordinance #4-2009 for Stop signs at Coal and Columbia, Deloss and Leavitt, and Knight and Leavitt was discussed. Steve Lamb made a motion to table, seconded by William Lovett. Passed 4-0.
- 7.) Resolution #4-2000 concerning Britt Tool, being in Compliance with Statement of Benefits of Real and Personal properties packet was looked at. Both Real and Personal Property decision was combined and Steve Lamb made a motion to approve, seconded by Patricia Heffner. Passed 5-0.
- 8.) Genesis Eutechitic – Compliance with Statement of Benefits of Real and Personal Properties was discussed and Packet looked at. Steve Lamb made a motion to combine and Approve both Personal and Real Properties, seconded by Brad Deal. Passed 5-0.

Brad Deal • Sam Glover • Patricia Heffner • William Lovett • Steve Lamb
Council Members

- 9.) Morris Holding Co./ Morris Manufacturing and Sales Corp. – Compliance with benefits of Real and Personal Properties was discussed and packet looked at. Steve Lamb made a motion to approve both Personal and Real Properties, seconded by Patricia Heffner. Passed 5-0.
- 10.) Timberland Home Center Inc. and Brad Emmert, Kim Emmert O'Dell both Compliance of Benefits of Both Personal and Real properties was discussed and packets looked at. Brad Deal made a motion to approve both Real and Personal Properties, seconded by Sam Glover. Passed 5-0.

Future Agenda Items:

- 1.) The Pre Disaster Plan to be presented by Terry Jones
- 2.) CCD Fund with a Resolution to adopt
- 3.) Stop Sign Ordinance

Adjournment: A motion to adjourn meeting was made by Steve Lamb and seconded by Patricia Heffner. Passed 5-0. Meeting adjourned at 8:40 p.m.

X Karen McQueen
Karen McQueen, Clerk-Treasurer

Neighborhood Stabilization Program

The Neighborhood Stabilization Program is a program that originated with the Housing Recovery Act in July of 2008 – not the American Recovery & Reinvestment Act (as many people think). The Department of Housing & Urban Development was the recipient of the funds on the Federal Level. Through a formula, HUD allocated these funds to entitlement communities and States across the country. The State of Indiana received

Indiana State Program - \$83,757,048
Anderson - \$2,141,795
Elkhart - \$2,251,346
Evansville - \$3,605,204
Fort Wayne - \$7,063,956
Gary - \$3,836,758
Hamilton County - \$2,343,868
Hammond - \$3,860,473
Indianapolis - \$29,051,059
Kokomo - \$2,181,088
Lake County - \$5,738,024
Muncie - \$2,007,356
South Bend - \$4,098,521

86 APPS
21 Funded.
we were one.

The State of Indiana funding are being allocated and administered through the Indiana Housing & Community Development Authority. Part of the state's allocation was allotted to a mortgage program operated by Indiana Housing & Community Development Authority and the other 50 Million was allocated to the NSP competitive grant program.

- In January the City of Brazil submitted a letter of intent to apply for the NSP funds.
- In March the City submitted their final proposal for the NSP funds.
- In May the City received \$1,435,350

Attached is a listing of the grants that were funded during the competitive round.

The Neighborhood Stabilization Program is a Community Development Block Grant with a few exceptions to the traditional CDBG regulations. A couple of the significant exceptions are the use of CDBG funds for new construction (CDBG typically only funds rehabilitation activities) and allowing funds to benefit individuals at 120% of the Area's Median Income (CDBG typically allows only funds to benefit individuals with incomes at or below 80% of the Area's Median Income).



**OFFICE OF THE LT. GOVERNOR
STATE HOUSE
INDIANAPOLIS, INDIANA 46204-2797**

**REBECCA S. SKILLMAN
LT. GOVERNOR**

**For Immediate Release
June 3, 2009**

**Contact: Jay Kenworthy
jkenworthy@lg.IN.gov
(317) 232-5674**

Lt. Governor Distributes \$50 Million for Neighborhood Stabilization

Lt. Governor Becky Skillman today announced 21 communities and community organizations will share \$50 million to buy abandoned or foreclosed homes, demolish or redevelop vacant properties and help low- and moderate-income home buyers purchase properties.

“We have found communities struggling with blight and foreclosure,” Lt. Governor Skillman said. “And with this assistance, communities and non-profits can reverse the downward spiral or even stop it before it starts.”

The allocations are as follows:

Project Applicant	Allocation
City of Tell City	\$1,875,350
Town of Gosport	\$812,000
Four River Resources (City of Linton)	\$3,622,770
City of Bicknell	\$1,326,489
Dubois-Pike-Warrick Economic Opportunity Committee Inc d/b/a/ TRI-CAP (City of Huntingburg)	\$4,544,275
Riley-Newport (City of Indianapolis)	\$1,000,000
Southeast Neighborhood Dev. (BH) (City of Indianapolis)	1,301,900
John H Boner Center (City of Indianapolis)	\$1,000,000
King Park Area Dev. Corp. (City of Indianapolis)	\$1,000,000
City of New Castle	\$2,732,925
Near North Development Corp. (City of Indianapolis)	\$667,910
City of Columbus	\$1,500,000
City of Terre Haute	\$1,850,000
City of Brazil	\$1,435,350
City of Lafayette	\$7,774,200

City of East Chicago	\$1,900,000
City of Michigan City	\$2,800,000
City of Mishawaka	\$6,500,000
City of Muncie	\$1,900,000
City of Hartford City	\$1,500,000
Town of Walkerton	\$2,956,831

Funding for these grants comes from the federal Neighborhood Stabilization Program, enacted in 2008. The Indiana Housing and Community Development Authority, which awarded the grants, estimates 1,300 properties will be impacted by the NSP funds.

In April, Lt. Gov. Skillman announced part of Indiana's \$83 million total -- \$33 million -- will be made available to homebuyers purchasing foreclosed homes. Information about both portions of the NSP funds can be found at www.in.gov/ihcda.

A total of 83 communities or non-profit organizations submitted grant applications after an RFP was issued in December. IHCDCA reviewed all applications and conducted site visits for each proposal. Additionally, an outside panel of industry experts reviewed the applications and made recommendations.

"These programs will lead to jobs and improved quality of living in these cities and towns," Lt. Gov. Skillman said. "Indiana's unique two-tiered approach to the Neighborhood Stabilization money will put us on track to revitalized communities across the state."

(EDITOR'S NOTE: Lt. Governor Skillman and the IHCDCA will hold ceremonies to present the grant money in select cities over the next two weeks. Tentative dates are as follows. Please watch for further information.

June 4 – East Chicago, Michigan City; June 10 – Terre Haute, Brazil, Bicknell, Gosport, Linton, Tell City, Huntingburg; June 11 – Mishawaka, Walkerton; June 17 – Hartford City, Muncie, New Castle; June 18 – Lafayette.)

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BUDGET CATEGORY	NSP AMOUNT	LEVERAGED FUNDS	TOTAL
Administration	\$ 85,200.00	\$ 34,000.00	\$ 119,200.00
Funding Mechanisms	\$ 300,000.00		\$ 300,000.00
Acquistion/Rehabilitation	\$ 335,150.00	\$ 764,875.00	\$ 1,100,025.00
Land Banks	\$ 35,000.00	\$ 7,000.00	\$ 42,000.00
Demolition	\$ 75,000.00	\$ 3,300.00	\$ 78,300.00
Redevelopment/New Construction	\$ 605,000.00	\$ 18,250.00	\$ 623,250.00
TOTAL	\$ 1,435,350.00	\$ 827,425.00	\$ 2,262,775.00

NSP Budget Limitations:			
\$ 85,200.00	divided by	\$ 1,435,350.00	= 5.94%
NSP funds budgeted for administration		Total amount of NSP award (Not to exceed 10%)	

Notes

Phase 1 Brazil NSP

Category

Address

Acquisition Rehab Resale	1	
	2	
	3	
	4	

Acquisition Rehab Rental	1	
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Acquisition Land Bank (Vacant Lots)	1	
	2	
	3	
	4	
	5	
	6	
	7	
	8	
	9	
	10	
	11	
	12	
	13	
	14	

Acquisition Demolition New Construction	1	
	2	

Acquisition Demolition New Construction	1	
	2	
	3	

Demolition of Blighted Structure (vacant)	1	
	2	
	3	
	4	
	5	
	6	

Process for NSP

Acquisition:

1. Identify Properties – properties must be foreclosed (mortgage or tax)
2. Determine if home is best used for Demolition/Landbank, Demolition/New Construction or Rehabilitation.
3. Kenna performs URA Process (work with attorney, bank, county, city to negotiate a price not exceeding appraised value)
4. Kenna completes ER/Section 106 Review
5. City Purchases Property
6. Kenna Draws funds for closing.

Notifications:

1. Homebuyers – get marketing information out for prospective homebuyers.
2. RE-Development Commission – Work with them on details of the land bank.
3. Housing Authority – work with them to establish location of potential rentals, floorplans, procedure and compliance with long term affordability.
4. Homeowners – get information out to prospective homeowners for the Owner Occupied Rehabilitation Portion of the Project. (this portion is not funded – but will likely be funded simply by a process)
5. Contractors – get word out to local contractors, sub-contractors, suppliers about the project to insure their involvement. Probably have a kick-off meeting to orient them to the processes ahead.

Demolition:

1. ATC (or other) develop a demo spec for removal of property
2. Stacy and committee, assist in identifying vacant blighted structures, work with Kenna to get approval to demolish the property with the property owner.
3. Seek contractor interested in partnering to inventory, remove and store re-usable materials from homes to be demolished
4. Kenna bid demolition work using small purchases procurement method (for contracts under \$25,000) – quotes for demo.
5. Kenna/ATC review bids and recommend to City award of contract.
6. Demolition begins
7. ATC inspects site after demo
8. Kenna draws funds for demo
9. For property owners – a deed restriction will be placed on the property that restricts future development of the property. Kenna will work with IHCD, city attorney and Stacy (with approval by City Council) to develop this deed restriction and will record on the property after demolition is complete.
10. For Land Bank properties - retain

Rehabilitation:

1. Kenna inspects property and develops a scope of work that brings home up to HOME Rehab Standards and alleviates any functional obsolescence.
2. Kenna orders a lead risk assessment to determine any lead based paint hazards.
3. Kenna bids scope of work using Competitive Sealed Bids Process (for contracts over \$25,000)
4. Kenna evaluates bids for rehab and makes recommendation for award of contract
5. Kenna coordinates contract
6. Kenna oversees contracts
7. Kenna will draw down funds as work is complete
8. Kenna qualifies homebuyer for home – assists in coordinating bank loan qualification and homeownership counseling.

New Construction:

1. Local contractors/BHS Building trades are encouraged to design prospective floor plans within our price range
2. Kenna Develops scope of work for floor plan selected by committee
3. Kenna bids new home using Competitive Sealed Bids Process (for contracts over \$25,000)
4. Kenna evaluates bids for new construction and makes recommendation for award of contract
5. Kenna coordinates contract
6. Kenna will draw down funds as work is complete
7. Kenna qualifies homebuyer for home – assists in coordinating bank loan qualification and homeownership counseling.

Recapture of Funds & Reuse:

1. As properties are sold, a portion of the funds will be re-captured. This same process will be utilized for the re-use of the funds. We can continue to do this until March, 2013

Milestone	Projected Date of Completion	Status
Identify Properties	July, 2009	Pending
Close on ALL Phase I Properties	September, 2009	
Bid Demolition Work	October, 2009	
Bid Rehabilitation Work	October, 2009	
Complete Demolition Work	December, 2009	
Evaluate New Home Proposals	December, 2009	
Start Rehab Work	November, 2009	
Bid New Home Construction Work	February, 2010	
Complete Rehab Work	June, 2010	
Start New Construction	March, 2010	
Finish New Construction	October, 2010	
Sell all Phase I homes	May, 2011	

All Phase I projects must be obligated by September, 2010

These are projected completion dates - hopefully things will move quicker - but there is a possibility small details will hold up the project.

Certification of Exemption

Grant Applicant: City of Brazil

Project Name: DR 1 Reimbursement

Project Description (include all actions that are either geographically or functionally related): Local match Reimbursement for FEMA Disaster Funds; which include improvement to City Roads, Culverts and Bridges that were washed out by severe storms and excessive rains. There was also damage to the pump at the WWTP. In addition, the project included debris removal as a result of the same incident as above.

Funding Source: **CDBG** HOME ESG HOPWA EDI Capital Fund Operating Subsidy Hope VI Other

As Chief Elected Official (CEO) of the Applicant, I hereby certify that the above mentioned project has been reviewed and determined an Exempt activity per 24 CFR 58.34(a) as follows:

- ☐ 1. Environmental & other studies, resource identification & the development of plans & strategies;
- ☐ 2. Information and financial services;
- ☐ 3. Administrative and management activities;
- ☐ 4. Public services that will not have a physical impact or result in any physical changes, including but not limited to services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation and welfare or recreational needs;
- ☐ 5. Inspections and testing of properties for hazards or defects;
- ☐ 6. Purchase of insurance;
- ☐ 7. Purchase of tools;
- ☐ 8. Engineering or design costs;
- ☐ 9. Technical assistance and training;
- ☒ 10. Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair, or restoration activities necessary only to control or arrest the effects from disasters or imminent threats to public safety including those resulting from physical deterioration;
- ☐ 11. Payment of principal and interest on loans made or obligations guaranteed by HUD;
- ☐ 12. Any of the categorical exclusions listed in Sec. 58.35(a) provided that there are no circumstances that require compliance with any other Federal laws and authorities cited in Sec. 58.5.

If your project falls into any of the above categories, no Request for Release of Funds (RROF) is required, and no further environmental approval from HUD will be needed by the recipient for the draw-down of funds to carry out exempt activities and projects. The responsible entity must maintain this document as a written record of the environmental review undertaken under this part for each project.

By signing below the Responsible Entity certifies in writing that each activity or project is exempt and meets the conditions specified for such exemption under section 24 CFR 58.34(a). Please keep a copy of this determination in your project files.

Ann Bradshaw, Mayor

Responsible Entity Certifying Official Name/Title

Responsible Entity Certifying Official Signature

Date: *June 9, 2009*

NOTE: This form is to be submitted for COMPLETED projects.
Submit page 10 for projects TO BE COMPLETED.

*City's
Copies*

Status of Site Control

As the Applicant's Legal Counsel and Project Engineer or Architect, respectively, we hereby mutually certify that the following activities have been completed respective to **all** interests in real property which are related or involved with the commencement and completion of CFF-assisted activities in accordance with the federal Uniform Relocation and Acquisitions Policies Act of 1970, as amended, hereinafter referred to as "URA":

Yes N/A

☐ ☒ If no parcels, easements and other real property will be acquired for this project, check N/A and proceed to signature lines below.

If parcels, easements and other real property will be acquired for this project, answer the following questions as applicable;

- | | | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | All project-related sites, parcels, easements and other real property interests have been identified. |
| <input type="checkbox"/> | <input type="checkbox"/> | All title searches and title opinions have been completed. |
| <input type="checkbox"/> | <input type="checkbox"/> | All subject parcels, easements or interests are unencumbered to the extent that the same may be dedicated to the project by the owner(s) of title. |
| <input type="checkbox"/> | <input type="checkbox"/> | IOCRA's real property acquisition questionnaire has been completed for each parcel, easement or other interest. |
| <input type="checkbox"/> | <input type="checkbox"/> | The owner(s) of record for each parcel, easement or other interest has been furnished the HUD-1041-CPD brochure entitled "When a Public Agency Acquires Your Property", and certified mail-return receipts are on file with Applicant. |
| <input type="checkbox"/> | <input type="checkbox"/> | Written notifications to owners of right to accompany appraiser for all parcels or easements have been completed and are on file. |
| <input type="checkbox"/> | <input type="checkbox"/> | Completion of all fee and review appraisals for all parcels, or market value estimate if below \$10,000. |
| <input type="checkbox"/> | <input type="checkbox"/> | Where applicable, written waiver of rights in accordance with the URA has been obtained from all applicable owner(s) of record. |
| <input type="checkbox"/> | <input type="checkbox"/> | All options and easement agreements completed and fully executed by owner(s) of record. |

The undersigned further certify that the CFF-assisted project will **not** involve eminent domain or other condemnation proceedings undertaken respective to interests in real property which are applicable to the CFF-assisted project.

Applicant's Legal Counsel

Robert A. Pell, Attorney

Typed Name and Title

Signature

Date: *June 9, 2009*

Applicant's Professional Engineer or Architect

N/A

Typed Name and Title

Signature

Date: , 2009

(List any comments regarding this section here)

N/A

☒ If project is complete, check N/A and proceed to signature lines below.

For projects that are NOT complete:

Status of Permits

As Chief Elected Official of the Applicant, I hereby certify that all local, state and federal permits necessary to complete the project have been listed in the CFF application document and such permits may be secured in sufficient time for the Applicant to complete the project within eighteen (18) months following grant award.

A. Ann Bradshaw, Mayor

Typed Name and Title

Signature

Date: *June 9, 2009*

Affirmation by Applicant's Professional Engineer or Architect

N/A

Typed Name and Title

Signature

Date: _____, 20

(List any comments regarding this section here)

Project Engineering and/or Architectural Services

As Chief Elected Official (CEO) of the Applicant, I hereby certify that all preliminary architectural and/or engineering services necessary to complete the environmental review process have been completed and the Applicant is prepared to immediately proceed with final architectural and/or engineering services upon award of the Disaster Recovery grant by IOCRA.

A. Ann Bradshaw, Mayor

Typed Name and Title

Signature

Date: *June 9, 2009*

(List any comments regarding this section here)

**INDIANA OFFICE OF COMMUNITY AND RURAL AFFAIRS
COMMUNITY DEVELOPMENT BLOCK GRANT SMALL CITIES PROGRAM
ASSURANCES AND CERTIFICATIONS**

The applicant hereby assures and certifies that:

- (a) It possesses legal authority to apply for the grant, and to execute the proposed program.
- (b) Its governing body has duly adopted or passed as an official act a resolution, motion or similar action authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
- (c) It has complied with all requirements of Executive Order 12372, and that either:
 - 1) Any comments or recommendations made by or through clearinghouses are attached and have been considered prior to submission of the application; or
 - 2) The required procedures have been followed and no comments or recommendations have been received prior to submission of the application.
- (d) It has facilitated or will facilitate citizen participation by:
 - 1) Publishing a statement of proposed activities so that affected citizens have an opportunity to Submit comments on the proposed activities and community development performance of the applicant;
 - 2) Providing adequate notices for two or more public hearings, specifically to persons of low and moderate income;
 - 3) Holding two or more public hearings on the proposed application at times and locations convenient to potential beneficiaries, convenient to the handicapped, and meeting needs of non-English speaking residents, if appropriate, to obtain citizens' views before adoption of a resolution or similar action by the local governing body authorizing the filing of the application;
 - 4) Providing citizens information concerning the amount of funds available for proposed community development activities and the range of those activities;
 - 5) Providing citizens with information concerning the amount of funds that will benefit persons of low and moderate income;
 - 6) Furnishing citizens with the plans made to minimize the displacement of persons and to assist persons actually displaced as a result of grant activities;
 - 7) Providing technical assistance to groups representing persons of low and moderate income requesting such assistance in developing proposals;
 - 8) Providing citizens with reasonable notice of substantial changes proposed in the use of grant funds and providing opportunity for public comment;
 - 9) Providing citizens with reasonable access to records regarding the past use of CDBG funds received; and
 - 10) Any modifications or amendments of the program that are made from time to time will be made in accordance with the same procedures required in (d) for the preparation and submission of a statement of proposed activities.
- (e) It has identified housing and community development needs, including those of low- and moderate-income persons and the activities to be undertaken to meet such needs.
- (f) The Community Development program has been developed so as to give maximum feasible priority to activities that will benefit low- and moderate-income families, or aid in the prevention or elimination of slums or blight.

[The requirement for this certification will not preclude the Office of Community and Rural Affairs from approving an application where the applicant certifies, and the Office of Community and Rural Affairs determines, that all or part of the Community Development Program activities are designed to meet other community development needs having a particular urgency as specifically explained in the application.]

- (g) It will minimize displacement of persons and provide for reasonable benefits to any person involuntarily and permanently displaced as a result of activities associated with program funds.
- (h) It will not attempt to recover any capital costs of public improvements assisted in whole or part with CDBG funds by assessing any amount against properties owned and occupied by persons of low and moderate income including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless (i) CDBG funds received are used to pay the proportion of such fee or assessment that relates to the capital costs of public improvements that are financed from revenue sources other than CDBG funds; or (ii) for purposes of assisting any amount against properties owned and occupied by persons of low and moderate income who are not persons of very low income, the grantee certified to the Secretary or such State, as the case may be, that it lacks sufficient funds received from CDBG Program to comply with the requirements of clause.
- (i) It will comply with all requirements imposed by the State concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with OMB Circular No. A-102, Revised, which includes a provision that program or project completion be no longer than eighteen (18) months from project startup, inclusive of the bid process for professional and engineering services as well as program close-out. In addition, said provision includes an assurance of the availability of project funds, both local and private, upon award of the project grant.
- (j) It will comply with:
 - 1) Section 110 of the Housing and Community Development Act of 1974, as amended, by the Housing and Urban-Rural Recovery Act of 1983 and the Housing and Community Development Act of 1987, 24 CFR 570.603, and State regulations regarding the administration and enforcement of labor standards;
 - 2) The provisions of the Davis-Bacon Act (46 U.S.C. S 276a-5) with respect to prevailing wage rates (except for projects for the rehabilitation of residential properties of fewer than eight units);
 - 3) Contract Work Hours and Safety Standards Act of 1962, 40 U.S.C. 327-332, requiring that mechanics and laborers (including watchmen and guards) employed on federally assisted contracts be paid wages of not less than one and one-half times their basic wage rates for all hours worked in excess of forty in a work-week, and
 - 4) Federal Fair Labor Standards Act, 29 U.S.C. S 102 et seq., requiring that covered employees be paid at least the minimum prescribed wage, and also that they be paid one and one-half times their basic wage rate for all hours worked in excess of the prescribed work-week; and
 - 5) Anti-kickback (Copeland) Act of 1934, 18 U.S.C. S 874 and 40 U.S.C. S 276c, which outlaws and prescribes penalties for "kickbacks" of wages in federally financed or assisted construction activities.
- (k) It will comply with all requirements imposed by the State concerning special requirements of law, program requirements, and other administrative requirements.
- (l) It will comply with:
 - 1) Title VI of the Civil Rights Act of 1964 (Public Law 88-352), and the regulations issued pursuant thereto (24 CFR Part 1), which provides that no person in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant received Federal financial assistance and will immediately take any measures necessary to effectuate this assurance. If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the applicant, this assurance shall obligate the applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits;
 - 2) The Fair Housing Act (previously known as Title VIII of the Civil Rights Act of 1968) (Public Law 90-284), as amended, administering all programs and activities relating to housing and community development in a manner to affirmatively further fair housing in the sale or rental of housing, the financing of housing, and the provision of brokerage services;

- 3) Section 109 of Title I of the Housing and Community Development Act of 1987, as amended, and the regulations issued pursuant thereto (24 CFR 570.602), which provides that no person in the United States shall, on the grounds of race, color, national origin, religion, or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or part with funds provided under the Act. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 or with respect to otherwise qualified handicapped individuals as provided in Section 504 of the Rehabilitation Act of 1973 shall also apply to any such program activity;
 - 4) Executive Order 11063, as amended by Executive Order 12259 on equal opportunity in housing and non-discrimination in the sale or rental of housing built with Federal assistance, and requiring that programs and activities relating to housing and urban development be administered in a manner affirmatively to further the goals of Title VIII of the Civil Rights Act of 1968; and
 - 5) Executive Order 11246 as amended by Executive Orders 11375 and 12086, and the regulations issued pursuant hereto (24 CFR Part 130 and 41 CFR Chapter 60), and the regulations issued pursuant thereto (24 CFR Part 130 and 41 CFR Chapter 60), the Indiana Code (I.C. 22-9-1-10), which provides that no person shall be discriminated against on the basis of race, color, religion, sex or national origin in all phases of employment during the performance of Federal or federally assisted construction contracts. Contractors and subcontractors on Federal and federally assisted construction contracts shall take affirmative action to insure fair treatment in employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation and selection for training and apprenticeship.
- (m) It will comply with Section 3 of the Housing and Urban Development Act of 1968, as amended, requiring that to the greatest extent feasible opportunities for training and employment be given to lower income residents of the project area and contracts for work in connection with the project be awarded to eligible business concerns which are located in, or owned in substantial part by, persons residing within the unit of local government.
- (n) It will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and Federal implementing regulation at 49 CFR Part 24, and the requirements of section 570.496a and it is following a residential anti-displacement and relocation assistance plan under section 104(d) of Title I of the Housing & Community Development Act of 1974, as amended.
- (o) It will establish safeguards to prohibit employees from using positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business or other ties.
- (p) It will comply with the provisions of the Hatch Act, which limits the political activity of employees.
- (q) It will give State, HUD and the Comptroller General through any authorized representatives, access to and the right to examine all records, books, papers, or documents related to the grant.
- (r) Its chief executive officer or other officer of applicant approved by the Office of Community and Rural Affairs:
- 1) Consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. S 4321 et seq.) and other provisions of Federal law, as specified at 24 CFR 58.1 (a)(3) and (a)(4), which further the purposes of NEPA insofar as the provisions of such Federal law apply to the Indiana Small Cities Development Block Grant Program; and
 - 2) Is authorized and consents on behalf of the applicant and himself/herself to accept the jurisdiction of the Federal courts for the purpose of enforcement of his/her responsibilities as such an official.
- (s) It will comply with:

- 1) The National Environmental Policy Act of 1969 (42 U.S.C. S 4321 et seq.) and 24 CFR Part 58, and in connection with its performance of environmental assessments under the National Environmental Policy Act of 1969, comply with Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470), Executive Order 11593, and the Preservation of Archaeological and Historical Data Act of 1966 (U.S.C. 469a-1, et seq.) by:
 - a) Consulting with the State Historic Preservation Officer to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the proposed activity; and
 - b) Complying with all requirements established by the State and to avoid or mitigate adverse effects upon such properties.
 - 2) Executive Order 11988, Floodplain Management;
 - 3) Executive Order 11990, Protection of Wetlands;
 - 4) Endangered Species Act of 1973, as amended, (16 U.S.C. Section 1531 et seq.);
 - 5) The Fish and Wildlife Coordination Act of 1958, as amended, (16 U.S.C. Section 661 et seq.);
 - 6) The Wild and Scenic Rivers Act of 1968, as amended, (16 U.S.C. Section 1271);
 - 7) The Safe Drinking Water Act of 1974, as amended, (42 U.S.C. Section 300f et seq.);
 - 8) Section 401(f) of the Lead-Based Paint Poisoning Prevention Act, as amended, (42 U.S.C. Section 4831 (b));
 - 9) The Clean Air Act of 1970, as amended, (42 U.S.C. Section 7401 et seq.);
 - 10) The Federal Water Pollution Control Act of 1972, as amended, (33 U.S.C. Section 1251 et seq.);
 - 11) The Clean Water Act of 1977 (Public Law 95-217); and
 - 12) The Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. Section 6901 et seq.);
 - 13) Section 202(a) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4106) as it relates to the mandatory purchase of flood insurance for special flood hazard areas.
- (t) It will comply with all parts of Title I of the Housing and Community Development Act of 1974, as amended, which have not been cited previously as well as with other applicable laws.
- (u) It will comply with the provisions of the Indiana Code (I.C.) 35-44-1-3 and 4.
- (v) It will abide by the provision that no member, officer, or employee of the grantee or its designees or agents, no member of the governing body of the locality in which the program is situated, and no other public official of such locality or localities who exercise any functions or responsibilities with respect to the program during the tenure or for one year thereafter shall have any direct or indirect interest in any contractor, subcontractor, or the proceeds thereof, financed in whole or in part with Title I grants.
- (w) It agrees to repay to the State of Indiana any funds under this program which, as the result of a HUD or State of Indiana authorized audit, are found to have been spent in an unauthorized manner or for unauthorized activities.
- (x) It certifies that none of the funds being applied for will be used to substitute for any local, state, federal or private dollars that have been committed to the project as proposed in this application.
- (y) It certifies that it has adopted and will enforce a policy of prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction (Section 104(l) of Title I of the Housing & Community Development Act of 1974, as amended).
- (z) It certifies that pursuant to 31 U.S.C. Section 1352, and any regulations promulgated thereunder:
- 1) no federal appropriated funds have been paid or will be paid, by or on behalf of the applicant, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative, agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

- 2) if any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the proposed Federal contract, grant, loan, or cooperative agreement, the applicant shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- 3) The applicant shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

THE LEGAL APPLICANT/RECIPIENT CERTIFIES THAT:

To the best of my knowledge and belief, the recipient will comply with the above assurances if assistance is approved.

CERTIFYING REPRESENTATIVE: (To be signed by Chief Elected Official or Designee)

Signature, Chief Elected Official

A. Ann Bradshaw
Name (typed or printed)

Mayor
Title

June 9, 2009
Date

CDBG DISCLOSURE REPORT

PART I - APPLICANT/GRANTEE INFORMATION

1. Applicant/grantee name, address and phone number

City of Brazil
203 East National Avenue
Brazil, IN 47834
(812)443-2221

2. Indicate whether this is:

Initial
Report

☒

Update
Report

☐

Grant Number (Updates only): NA

Federal employer identification number: 35-6000958

3. Project Assisted/to be Assisted.

a. Fiscal year: 2009

b. Entitlement grant(s) ☐

Competitive grant ☒

c. Amount requested/received: \$13,232.54

d. Program income to be used with c. above: -0-

e. Total of c. and d.: \$13,232.54

PART II - THRESHOLD DETERMINATIONS

1. Is the amount listed at 3.e. (above) more than \$200,000? Yes ☐ No ☒

2. Have you received or applied for other HUD assistance (through programs listed in Appendix B of the instructions) which when added to 3.e. (above) amounts to more than \$200,000?

Yes ☒ No ☐

If the answer to either 1 or 2 of this part is "yes", then you must complete the remainder of this report.

If the answer to both 1 and 2 of this part is "no", then you are not required to complete the remainder of this report, but must sign the following certification.

I hereby certify that this information is true.

(Chief Elected Official)

June 9, 2009

(Date)

PART III - OTHER GOVERNMENT ASSISTANCE PROVIDED/APPLIED FOR

1. Provide the requested information for any other Federal, State and/or local governmental assistance, on hand or applied for, that will be used in conjunction with the CDBG grant. (See Appendix B of the instructions)

Name and Address of Agency Providing or to provide Assistance	Program	Type of Assistance	Amount requested or Provided
<i>FEMA</i>	<i>Disaster Recovery Appropriations #1</i>	<i>Grant</i>	<i>\$ 33,697.61</i>

PART IV - INTERESTED PARTIES

Alphabetical List of All Persons With Reportable Financial Interest in the Project	SSN or Employer ID No.	Type of Participation in Project	Financial Interest In Project & %
<i>Kenna Consulting</i> <i>Donna Anderson, President</i> <i>Kent Anderson, Executive Director</i> <i>Angie Pappano, Vice President</i> <i>Jeremy Pappano, Director of Operations</i>	<i>35-2111020</i>	<i>Grant Administration</i>	<i>Profit after Expenses</i>

PART V - EXPECTED SOURCES AND USES OF FUNDS

This Part requires that you identify the sources and uses of all assistance that have been or may be used in the project.

Source	Use
<i>FEMA/OCRA</i> <i>FEMA/OCRA</i> <i>OCRA Grant Funds</i>	<i>Bridge and Road Rehabilitation</i> <i>Public Building Improvements</i> <i>Grant Administration, Labor Standards, &</i> <i>Environmental Review</i>

PART VI - CERTIFICATION

I hereby certify that the information provided in this disclosure is true and correct and I am aware that any false information or lack of information knowingly made or omitted may subject me to civil or criminal penalties under Section 1001 of Title 18 of the United States Code. In addition, I am aware that if I knowingly and materially violate any required disclosure of information, including intentional non-disclosure, I am subject to a civil money penalty not to exceed \$10,000 for each violation.

A. Ann Bradshaw (Chief Elected Official)

June 9, 2009
(Date)

CIVIL RIGHTS CERTIFICATION

The Applicant, any contractor, any subcontractor, or any other party performing any services or having any responsibilities hereunder shall fully and completely comply with the following:

- a) Section 109 of the Housing and Community Development Act of 1974 which requires that no person in the United States shall on the grounds of race, color, national origin or sex, be excluded from the participation in, be denied the benefits of, or be subjected to, discrimination under any program or activity funded in whole or in part with Community Development Block Grant (CDBG) funds.
- b) Shall not, under any program or activity pursuant to this Agreement, directly or through contractual or other arrangements, on the grounds of race, color, national origin, sex, age, handicap status or religion:
 - i. Deny any individual any facilities, services, financial aid or other benefits provided under the program or activity.
 - ii. Provide any facilities, services, financial aid or other benefits in a different form from the provided under the program or activity.
 - iii. Subject any person to segregated or separate treatment in, or in any matter of process related to receipt of any services or benefit under the program or activity.
 - iv. Restrict an individual in any way access to, or the enjoyment of, any advantages or privilege enjoyed by others in connection with facilities, services, financial aid or any other benefits under the program or activity.
 - v. Treat an individual different from others in determining whether the individual satisfies any admission, enrollment, eligibility, membership, or other requirement or condition which the individual must meet in order to be provided any facilities, services or any benefit provided under the program or activity.
 - vi. Deny an individual an opportunity to participate in a program or activity as an employee.
- c) Shall not use criteria or methods of administration which have the effect of subjecting individuals to discrimination on the basis of race, national origin, sex, age, handicap status or religion, or have the effect of defeating or substantially impairing the accomplishment of the objectives of the Housing and Community Development Act of 1974, (as amended).
- d) In determining a site or location of housing or facilities shall not make selections of such site or location which have the effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination on the grounds of race, color, national origin, sex, age, handicap status, or religion.

The Applicant in all contracts or agreements subject to Executive Order 11246 shall be subject to HUD Equal Employment Opportunity regulations at 24 CFI Part 130 applicable to HUD assisted construction contracts.

The Applicant shall cause or require to be inserted in full in any non-exempt contract and subcontract for construction work, or modification thereof, as defined in said regulations, which is paid for in whole or in part with assistance provided under this Agreement, the following equal opportunity clause:

The Applicant will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin or handicap. Such action shall include, but not limit to the following: employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training; including apprenticeship. The applicant agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Grantor setting for the provisions of this nondiscrimination clause.

The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the applicant, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.

The Applicant/Contractor will comply with all provisions of Executive Order 11246 of September 1965, and of the rules, regulations and relevant orders of the Secretary of Labor.

The Applicant/Contractor will comply with all provisions of Title VIII, Civil Rights Act of 1968, which prohibits discrimination in the sale or rental of dwellings, discrimination in the financing of housing, blockbusting, and discriminatory advertising and makes it unlawful to deny any person access to, or membership or participation in, any multiple listing services or real estate brokers' organization for discriminatory reasons.

The Applicant/Contractor will comply with Section 3 Housing and Urban Development Act of 1968, Section 504: Rehabilitation Act of 1974, Executive Order 11063 and all other Federal Rules and Regulations.

The Applicant will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules and regulations and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by IOCRA and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.

In the event of the Applicant's noncompliance with the nondiscrimination clauses of an executed agreement or with any such rules, regulations, or orders, this agreement may be canceled, terminated or suspended in whole or in part and the applicant may be declared ineligible for further government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 14, 1965, or by rule, regulation, or order of the Secretary of Labor.

The Applicant shall require that the language referred to in this certification be included in the award documents for all sub-awards at all tiers (including sub-contract, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

The Legal Applicant/Recipient Certifies That:

To the best of my knowledge and belief, the recipient will comply with the above certification if assistance is approved.

Certifying Representative: (To be signed by Chief Elected Official or Designee)

Signature, Chief Elected Official

A. Ann Bradshaw
Name (typed or printed)

Mayor
Title

June 9, 2009
Date